



U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

April 22, 2022

Exemption No. 19055
Regulatory Docket No. FAA-2021-1207

Mr. Jerry A. Eichenberger
Calfee, Halter & Griswold LLP
41 South High Street
Columbus, Ohio 43215-3465

RE: Sinclair Community College and MacAir Aviation

Dear Mr. Eichenberger:

This letter is to inform you that the Federal Aviation Administration (FAA) has denied your request for an exemption. This letter transmits the FAA's decision and explains the FAA's basis for our decision.

The Basis for the FAA's Decision

By letter dated December 15, 2021, you petitioned the FAA on behalf of Sinclair Community College and MacAir Aviation (Sinclair and MacAir) for an exemption from § 141.77(c)(1) of Title 14, Code of Federal Regulations (14 CFR) that limits the maximum credited flight training time in the receiving school's curriculum requirements.

Additionally, you stated in your petition prior to October 15, 2021, Sinclair had a similar contractual arrangement with First Flight Aviation ("First Flight"). MacAir and First Flight are both 14 CFR Part 141 pilot schools. You stated Sinclair has approximately sixty students enrolled in flight courses, including the private pilot certification course, commercial pilot certification course, instrument rating course, multi-engine, and flight instructor certification course, who are to varying degrees between the two providers.

You state both First Flight and MacAir are Part 141 pilot schools and the curriculum at both schools are practically the same. For these reasons, you state safety will not be affected. You further claim the public will benefit from the requested relief because students will be able to complete their training months or years earlier if the petition is granted. You stated this exemption will ease the national professional pilot shortage.

The FAA has issued a denial of exemption in circumstances similar in all material respects to those presented in your petition. In Denial of Exemption No. 9592 (copy enclosed), the FAA

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stated the reasoning behind 14 CFR § 141.77(c)(1) is where two different Part 141 certificated flight schools could produce its own very high standard training course outlines, each capable of producing highly qualified and safe pilots, those two TCOs would not necessarily be identical in their pattern, progression, or sequencing of topic material. Therefore, a student transferring from one approved curricula to the other approved curricula “mid-stream” may have overlapping instruction or gaps in their instruction and it could be difficult to adequately resolve those possible mismatches. This could conceivably result in a pilot who had missed critical portions of training, possibly resulting in a less safe pilot.

Furthermore, the FAA found that exempting the petitioner from this rule under these circumstances would be contrary to the purpose and design of the rule and would run a significant risk of contributing to a discontinuity in the students’ course of training. For this reason, the FAA determined that a grant of exemption would not provide an equivalent level of safety. A potential reduction in the level of safety is, by definition, not in the public interest.

Having reviewed your reasons for requesting an exemption, I find that:

- They are similar in all material respects to relief previously requested in the enclosed Denial of Exemption No. 9592;
- The reasons stated by the FAA for denying the enclosed Denial of Exemption No. 9592 also apply to the situation you present; and
- A grant of exemption is not in the public interest.

The FAA’s Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register* because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Sinclair and MacAir.

In consideration of the foregoing, I find that a grant of exemption would not be in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 106(f), 40113, 44701 and 44807, delegated to me by the Administrator, the petition of Sinclair Community College and MacAir Aviation for an exemption from 14 CFR § 141.77(c)(1) is hereby denied.

Sincerely,

/s/

Robert C. Carty
Deputy Executive Director, Flight Standards Service

Enclosure Exemption No. 9592

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